

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Marc Lamberton	:	Widhalm, Angela M.
	:	
Serial No.: 09/654,857	:	Group Art Unit: 2152
	:	
Filing Date: September 5, 2000	:	
	:	
Title: SYSTEM AND METHOD	:	IBM Corporation
FOR IMPROVING GATEWAY	:	Dept. T81/Bldg. 503
TRANSPARENCY	:	P.O. Box 12195
	:	3039 Cornwallis Road
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REPLY BRIEF UNDER 37 C.F.R. §41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is being submitted in response to the Examiner's Answer dated December 11, 2006, with a two-month statutory period for response set to expire on February 11, 2007.

I. RESPONSE TO EXAMINER'S ARGUMENTS:

- A. Response to Examiner's assertion that Ganguly discloses the limitation of "interrogating a directory comprising proxy server protocol data specific to every end-user network account of said IP network" as recited in claim 1 and similarly in claims 6 and 11, as discussed on pages 9-10 of Examiner's Answer.

The Examiner states:

With reference to the appealed claims 1, 6 and 11, appellant has not explained 'interrogating a directory' to mean anything other than querying a directory (see specification p. 11 lines 21-27, p. 12 lines 6-11 and 24-25) and Ganguly clearly disclosed querying a directory ([0030], [0049]). The claim further explains that the directory contains proxy server protocol data specific to every end-user network account of an IP network. Appellant has not explained 'proxy server protocol data' to be anything more than application data that contains information about the protocols being used and any other information needed to process the application data (specification p. 12 lines 6-9). Ganguly disclosed when the client application issued a query, the predicate logic located in the proxy cache server received and translated the query ([0030], [0040], [0044]). The query may be sent in various protocols and the predicate logic must be able to understand all of the protocols in order to be able to translate the query ([0063], [0068]). Ganguly also disclosed the data that the users are querying are account specific since the data themselves are based on employee IDs, email, residential address, contacts, salary and various projects ([0013]). Examiner's Answer, pages 9-10.

Appellant respectfully traverses. Appellant could not identify any discussion of "interrogating a directory" or "proxy server protocol data" in the passages cited by the Examiner in Appellant's Specification. Further, Appellant respectfully traverses the Examiner's interpretation of "proxy server protocol data." The Examiner ignores the first part of the phrase "proxy server."

Further, Ganguly instead discloses that companies typically configure their directory servers such that each server stores a subset of data types and, and notably, the subsets (data types) do not overlap. [0013]. Ganguly additionally discloses that if the data is not presently stored in the proxy cache, the predicate proxy core generates another request according to the conventional protocol that is sent to a source server to retrieve the elaborate data, which is then stored on the proxy server and forwarded

onto the client. [0030]. Ganguly further discloses that the client issues a query via the LDAP protocol to request certain data stored on the LDAP server. [0040]. Further, Ganguly discloses that the LDAP request received from a client is examined and manipulated by the predicate logic to enable searching in accordance with the dynamic caching technique. [0044]. Ganguly additionally discloses that directory server 402 holds the database. [0049]. Furthermore, Ganguly discloses that equivalent forms between LDAP/NDAP search filter expression and SQL so that the system works for a variety of protocols. [0063]. Additionally, Ganguly discloses a directory service 500 having both an LDAP client 502 and a NetWare Directory Services system using Novell Directory Access Protocol NDAP. [0068].

There is no language in the cited passages that discloses interrogating a directory comprising proxy server protocol data specific to every end-user network account of the IP network. Ganguly instead simply discloses querying an LDAP server for data stored on the LDAP server via the LDAP protocol. There is no language in the cited passages that discloses that the LDAP server includes protocol data. Neither is there any language in the cited passages that disclose that the LDAP server includes protocol data specific to every end-user network account of the IP network. Thus, Ganguly does not disclose all of the limitations of claims 1, 6 and 11, and thus Ganguly does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

- B. Response to Examiner's assertion that Ganguly discloses the limitation of "retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user" as recited in claim 1 and similarly in claims 6 and 11, as discussed on page 10 of Examiner's Answer.

The Examiner states:

Continuing with the remaining claim limitations, when issuing a query, the query parameters are what information is desired, e.g. name = "john" ([0056]). The query is written in a protocol and the parameters passed in the query are written according to a protocol. Therefore the parameters are associated with the protocol data. Ganguly described the proxy server accessing the directory server for the client application ([0030], [0049], [0127]). If the client sent an LDAP request, the proxy server accessed an LDAP server ([0040]).

This is then in accordance with the parameters retrieved from the client's query. Appellant has not explained a different interpretation in the specification of how parameters are associated with proxy server protocol data or of how the retrieved parameters determine how the application server is accessed on behalf of the client application. Examiner's Answer, page 10.

Appellant respectfully traverses the Examiner's interpretation that a person's name (e.g., "john") stored in a directory is equivalent to parameters associated with proxy server protocol data. Appellant discusses parameters at least on page 12, line 22 – page 14, line 9 of Appellant's Specification. A person's name is not a parameter as defined by Appellant in Appellant's Specification. Further, if a person's name is a parameter, how is it associated with proxy server protocol data? What is the proxy server protocol data in Ganguly? Is the Examiner asserting that a person's name stored in a directory is also proxy server protocol data? Is the Examiner asserting that the LDAP request using the LDAP protocol discloses a proxy server protocol data? This makes no sense as claims 1, 6 and 11 require that a directory includes the proxy server protocol data specific to every end-user network account. How can the LDAP request be included within a directory and be specific to every end-user network account? Thus, Ganguly does not disclose all of the limitations of claims 1, 6 and 11, and thus Ganguly does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

Further, the Examiner asserts that Appellant must explain the different interpretation of how parameters are associated with proxy server protocol data or of how the retrieved parameters determine how the application server is accessed on behalf of the client application. Firstly, the purpose of a claim is not to explain technology or how it works. *S3 Inc. v. nVIDIA Corp.*, 59 U.S.P.Q.2d 1745, 1748 (Fed. Cir. 2001). The purpose is to state the legal boundaries of the patent grant. *Id.* Secondly, if the Examiner is implying that Appellant has not provided support for the above-identified application, Appellant kindly directs the Board to at least page 12, line 22 – page 14, line 9 of Appellant's Specification for support for the above-identified application.

Further, the Examiner asserts that "sockets" contains proxy server protocol data. Examiner's Answer, page 10. Appellant respectfully traverses. A socket is a combination of the IP address of the station and a port number. See <http://www.techweb.com/encyclopedia/defineterm.jhtml?term=Unixsocket>. Hence, a socket does not contain proxy server protocol data as defined by Appellant in Appellant's Specification.

- C. Response to Examiner's assertion that Ganguly discloses "creating, in said gateway of said IP network, the directory including entries specific to every end-user network account on said IP network" as recited in claim 2 and similarly in claims 7 and 12, as discussed on pages 10-11 of Examiner's Answer.

The Examiner cites paragraphs [0013, 0014, 0030, 0049, 0101-0105] of Ganguly as disclosing "creating, in said gateway of said IP network, the directory including entries specific to every end-user network account on said IP network" as recited in claim 2 and similarly in claims 7 and 12. Examiner's Answer, page 11. Appellant respectfully traverses.

Ganguly instead discloses that companies typically configure their directory servers such that each server stores a subset of data types and, notably, the subsets do not overlap. [0013]. Ganguly additionally discloses that the invention relates to a directory proxy caching system that is constructed based on a predicate, i.e., a query from a client. [0030]. Ganguly further discloses a proxy system 400 with predicate caching intelligence. [0049]. Furthermore, Ganguly discloses that the predicate caching directory proxy server acts as a proxy to multiple backend LDAP servers. [0101]. There is no language in the cited passages that discloses creating a directory. Neither is there any language in the cited passages that discloses creating, in the gateway of the IP network, the directory including entries specific to every end-user network account on the IP network. Thus, Ganguly does not disclose all of the limitations of claims 2, 7 and 12, and thus Ganguly does not anticipate claims 2, 7 and 12. M.P.E.P. §2131.

Further, the Examiner states:

Ganguly described databases and directories containing human resources information for every employee ([0013]-[0014]). These directories had to be created at some point before being able to query and access the information stored thereon. Furthermore, when a client issued a query, the query is first sent to a proxy server, which searches its own cache memory for the queried data (fig. 4, [0030], [0049]). Besides storing recently accessed data, the proxy's cache memory also stores pointers to every directory or database and also descriptions of the information stored in each directory or database ([0101]-[0105]). Examiner's Answer, page 11.

Appellant respectfully traverses the implied assertion that Ganguly inherently discloses creating, in the gateway of the IP network, the directory including entries specific to every end-user network account on the IP network. While a directory may have to be created at some point, the claim limitation of claims 2, 7 and 12 recites creating, in the gateway of the IP network, the directory including entries specific to every end-user network account on the IP network. Paragraphs [0101-0105] of Ganguly do not support the assertion that the predicate caching directory proxy server includes a directory with entries specific to every end-user network account on the IP network. Instead, the predicate caching directory proxy server is designed with an architecture in a manner by which it keeps track of initiating points of all the LDAP servers. [0101]. Ganguly further discloses that the initiating point and the range of data stored in an LDAP server is designed by a predicate, that is as a set of primitive predicates. [0102]. Ganguly additionally discloses that the predicate caching directory proxy server has a table which has entries showing the range of predicate values held by each LDAP server. [0103]. Hence, Ganguly discloses that the predicate caching directory proxy server has a table which has entries showing the range of predicate values held by each LDAP server. There is no language in the cited passages that discloses a directory with entries specific to every end-user network account on the IP network. Thus, Ganguly does not disclose all of the limitations of claims 2, 7 and 12, and thus Ganguly does not anticipate claims 2, 7 and 12. M.P.E.P. §2131.

D. Response to Examiner's argument that Examiner's motivation is sufficient to establish a *prima facie* case of obviousness in rejecting claims 3, 8 and 13, as discussed on pages 10-11 of Examiner's Answer.

The Examiner admits that Ganguly does not teach "disabling entries for those of said end-users that disconnect; enabling entries for those of said end-users that connect" as recited in claim 3 and similarly in claims 8 and 13. The Examiner asserts that Aravamudan teaches these limitations. The Examiner's motivation for modifying Ganguly with Aravamudan to include the above-cited missing claim limitations is to "improve the system ensuring that replies to requests are sent to clients with an active connection. Aravamudan describes this benefit by describing how a user's status is monitored (col. 7 line 49 – column 8 line 4) and when information is sent to the user (col. 7 lines 21-26, col. 8 line 56 – col. 9 line 18)." Examiner's Answer, page 12. The Examiner's motivation is insufficient to establish a *prima facie* case of obviousness in rejecting claims 3, 8 and 13.

The Examiner' motivation ("to improve the system ensuring that replies to requests are sent to clients with an active connection") does not provide reasons, as discussed further below, that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Ganguly to include the above-indicated missing claim limitations of claims 3, 8 and 13. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 8 and 13. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

As stated above, the Examiner cites column 7, line 49 – column 8, line 4; column 7, lines 21-26; and column 8, line 56 – column 9, line 18 of Aravamudan as support for the Examiner's motivation. Aravamudan teaches that upon receiving notification of the user's presence online, the CSP checks for pending events. Column 7, lines 21-23. Aravamudan further teaches that if no interaction with a user interface is sensed during an activity monitor check, then, the time from the last activity time (T) is compared to a specified inactivity time limit. Column 7, lines 59-63. Aravamudan further teaches that if time T is less than or equal to LIMIT, then no

action is taken; however, if time T becomes greater than LIMIT, then, the CPE device generates an inactivity message. Column 7, lines 63 – column 8, line 1. Aravamudan additionally teaches that if the CSP database returns the result that the user is off-line, then the CSP determines an alternate disposition for the initiating important event, according to a first rule set maintained for the user in the CSP database. Column 8, lines 56-59. Hence, Aravamudan teaches that upon receiving notification of the user's presence online, the CSP checks for pending events. Aravamudan additionally teaches that if no interaction with a user interface is sensed during an activity monitor check, then, the time from the last activity time (T) is compared to a specified inactivity time limit. There is no language in the cited passages of Aravamudan that supports the Examiner's motivation of improving the system by ensuring that replies to requests are sent to clients with an active connection. Neither is there any language in the cited passages of Aravamudan that allegedly support the Examiner's motivation that makes any suggestion that by disabling entries for those of the end-users that disconnect; enabling entries for those of the end-users that connect (missing claim limitation) that the system is improved by ensuring that replies to requests are sent to clients with an active connection. The Examiner has to provide some rationale connection between the cited passages in Aravamudan that is the source of the motivation and the missing claim limitations. The Examiner's source of motivation does not provide reasons as to why one skilled in the art would modify Ganguly to include the missing claim limitations of claims 3, 8 and 13. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 8 and 13. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

Further, Ganguly addresses the problem of indexing directories, that includes accessing cached information, without degrading the performance of the server. [0015-0016]. The Examiner has not provided any reasons as to why one skilled in the art would modify Ganguly (which teaches indexing directories, that includes accessing cached information, without degrading the performance of the server) to disable entries for those of the end-users that disconnect and to enable entries for the end-users that connect (missing claim limitations of Ganguly). The Examiner's

motivation ("to improve the system ensuring that replies to requests are sent to clients with an active connection") does not provide such reasoning.

Why would the reason to modify Ganguly (whose purpose is to index directories, that includes accessing cached information, without degrading the performance of the server) to disable entries for those of the end-users that disconnect and to enable entries for the end-users that connect (missing claim limitations of Ganguly) be to improve the system to ensure that replies to requests are sent to clients with an active connection? Ganguly is not concerned with improving the system to ensure that replies to requests are sent to clients with an active connection. The Examiner cannot completely ignore the teachings of Ganguly concluding it would have been obvious to modify Ganguly to include the missing claim limitations of claims 3, 8 and 13. Hence, the Examiner's motivation does not provide reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Ganguly to include the missing claim limitations of claims 3, 8 and 13. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 8 and 13. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

- E. Response to Examiner's assertion that Ganguly discloses: "obtaining leading data from said client application having issued said access request for said end-user;" "parsing said leading data;" "determining a protocol said client application is currently using;" "interrogating said directory at an entry corresponding to said first end-user;" "retrieving parameters associated with said protocol;" and "executing said protocol in accordance with said parameters associated with said protocol" as recited in claims 4, 9 and 14, as discussed on pages 12-13 of Examiner's Answer.

The Examiner asserts that Ganguly discloses: "obtaining leading data from said client application having issued said access request for said end-user;" "parsing said leading data;" "determining a protocol said client application is currently using;" "interrogating said directory at an entry corresponding to said first end-user;" "retrieving parameters associated with said protocol;" and "executing said protocol in accordance with said parameters associated with said protocol" as recited in claims 4,

9 and 14. Examiner's Answer, page 12. However, the Examiner does not specifically address each of the limitations on pages 12-13 of the Examiner's Answer. For example, there is no discussion about obtaining leading data from the client application having issued the access request for said end-user. Neither is there a discussion about parsing the leading data. Neither is there a discussion about interrogating the directory at an entry corresponding to the first end-user. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14, and thus Ganguly does not anticipate claims 4, 9 and 14. M.P.E.P. §2131.

With respect to the limitation of determining a protocol the client application is currently using, as understood by Appellant, the Examiner appears to primarily focus on the language in paragraphs [0063 and 0068] of Ganguly which discusses that an NDAP client 502 submits inquiries to NDAP proxy interface 508 and that LDAP client 502 submits queries to LDAP proxy interface 504. [0068]. Hence, different types of clients (e.g., NDAP and LDAP clients) submit queries to different proxy interfaces. There is no language in Ganguly which discloses determining a protocol the client application is currently using. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14, and thus Ganguly does not anticipate claims 4, 9 and 14. M.P.E.P. §2131.

With respect to the limitation of retrieving parameters associated with the protocol, as understood by Appellant, the Examiner appears to focus on paragraph [0030] of Ganguly which discusses analyzing a request issued by a client. Examiner's Answer, page 13. Ganguly discloses that the data stream format of a request issued by a client is translated by a predicate proxy logic core of a proxy cache server. [0030]. Ganguly further discloses that if the data is not presently stored in the proxy cache, the predicate proxy core generates another request. [0030]. There is no language in the cited passage that discloses retrieving parameters. Neither is there any language in the cited passage that discloses retrieving parameters associated with the protocol the client application is currently using. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14, and thus Ganguly does not anticipate claims 4, 9 and 14. M.P.E.P. §2131.

Further, in connection with the rejection of the above-cited claim limitation, the Examiner appears to assert that analyzing the request issued by the client, as discussed in paragraph [0030] of Ganguly, discloses retrieving parameters associated with the protocol. Examiner's Answer, page 13. The Examiner believes that parameters are retrieved from the request itself. *Id.* Appellant does not understand how this is possible and does not understand the Examiner's rationale as to how translating the data stream format of the request from the client is the same as retrieving parameters from the request itself. Neither does Appellant understand how this relates to retrieving parameters associated with the protocol the client application is currently using. The pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000); M.P.E.P. §2111. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. §2111. Since the Examiner has not provided a reasonable interpretation consistent with the specification or consistent with the interpretation that those skilled in the art would reach, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 4, 9 and 14. M.P.E.P. §2111.

Further, with respect to the limitation of executing the protocol in accordance with the parameters associated with the protocol, as understood by Appellant, the Examiner appears to primarily focus on the language in paragraph [0040] of Ganguly. Examiner's Answer, page 13. Ganguly instead discloses that the client issues a query via the LDAP protocol to request certain data stored on the LDAP server. [0040]. Ganguly further discloses that the request conforms to the LDAP protocol and is received by the novel directory proxy server. [0040]. Ganguly further discloses that since there are many different categories of data, the proxy server translates the client request to a predicate that essentially "makes sense out of the query." [0040]. There is no language in the cited passage that discloses executing the protocol in accordance with the parameters associated with the protocol. Instead, Ganguly discloses that the

LDAP request from the client to the LDAP server conforms to the LDAP protocol. There is no discussion in paragraph [0040] of Ganguly about executing the protocol in accordance with parameters. Additionally, as understood by Appellant, the Examiner had previously asserted that the parameters were retrieved from the request. If that is correct, how does this relate to what paragraph [0040] of Ganguly discloses? Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14, and thus Ganguly does not anticipate claims 4, 9 and 14. M.P.E.P. §2131.

F. Response to Examiner's assertion that Appellant's statement that the combination of Ganguly-Banavar is an improper combination is untimely, as discussed on pages 13-14 of Examiner's Answer.

The Examiner asserts that Appellant's position that the combination of Ganguly-Banavar is an improper combination under 35 U.S.C. §103(c) was presented untimely since Banavar was relied upon by the Examiner on September 9, 2004. Examiner's Answer, pages 13-14. However, the Ganguly-Banavar combination was first presented in the Office Action (mailing date of November 2, 2005) reopening prosecution in light of Appellant's first Appeal Brief. The Banavar reference was previously combined with Tso et al. (U.S. Patent No. 6,421,733) in the Office Action with a mailing date of 4/28/2005 and was previously combined with Pistriotto et al. (U.S. Patent No. 6,138,162) in the Office Action with a mailing date of 9/9/2004. Further, there is no language in 35 U.S.C. §103(c) or in M.P.E.P. §2146, which states that Appellant must present the position that a combination is improper under 35 U.S.C. §103(c) within a certain time frame.

Alternatively, if the Board finds that Ganguly-Banavar is a proper combination, then Appellant kindly directs the Board's attention to pages 15-21 of Appellant's response with a mailing date of January 3, 2006 as arguments to be incorporated herein.

G. Other matters raised by the Examiner.

All other matters raised by the Examiner have been adequately addressed above and in Appellant's Appeal Brief with a filing date of September 13, 2006 and therefore will not be addressed herein for the sake of brevity.

II. CONCLUSION:

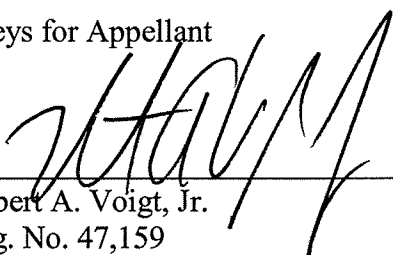
For the reasons stated above and in Appellant's Appeal Brief with a filing date of September 13, 2006, Appellant respectfully asserts that the rejections of claims 1-15 are in error. Appellant respectfully requests reversal of the rejections and allowance of claims 1-15.

Respectfully submitted,

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